

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ROOT, INC., *et al.*,

Plaintiffs,

v.

BRINSON CALEB SILVER, *et al.*,

Defendants.

:

Case No. 2:23-cv-512

Judge Sarah D. Morrison

Magistrate Judge Chelsey M.

Vascura

:

ORDER

This matter is before the Court upon the motion of attorneys David M. Scott and Aaron M. Jones, of the law firm of Brennan, Manna & Diamond, to withdraw from representing Defendants Brinson Silver, Eclipse Home Design, LLC, and Collateral Damage, LLC. (ECF No. 84.) Attorneys Scott and Jones represent that they provided a copy of the Motion to Defendants and have informed Defendants of all upcoming hearings and deadlines in this matter. (*Id.*)

On May 12, 2023, the Court held an *ex parte in camera* conference with Attorneys Scott and Jones and Mr. Silver to discuss the Motion. The Order memorializes the substance of that conference. For good cause shown, the Motion to Withdraw is **GRANTED**. The Clerk is **DIRECTED** to **TERMINATE** David M. Scott, Aaron M. Jones, and the law firm of Brennan, Manna & Diamond as counsel for Brinson Silver, Eclipse Home Design, LLC, and Collateral Damage, LLC.

However, Eclipse and Collateral Damage can proceed in this Court only through licensed counsel. *See Rowland v. California Men's Colony, Unit 11 Men's Advisory Council*, 506 U.S. 194, 201–02 (1993) (“It has been the law for the better part of two centuries . . . that a corporation may appear in federal courts only through licensed counsel.”); *Doherty v. Am. Motors Corp.*, 728 F.2d 334, 340 (6th Cir. 1984) (“[A] corporation cannot appear in federal court except through an attorney.”). This rule applies equally to limited liability companies like Eclipse and Collateral Damage. *U.S. S.E.C. v. Merklinger*, 489 F. App'x 937, 939–40 (6th Cir. 2012).

In addition, Rule 11(a) requires signature by an attorney or, if the party is not represented by an attorney, signature by the party for “[e]very pleading, written motion, and other paper.” Fed. R. Civ. P. 11(a). Because a corporation cannot appear in court except through an attorney, any pleading or motion “by a corporation that is not signed by an attorney is treated as unsigned for Rule 11(a) purposes.” *White v. Smith*, No. 2:09-cv-00574, 2010 WL 795967, at *1 (S.D. Ohio Mar. 2, 2010) (Marbley, J.) (citations omitted). “The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney’s or party’s attention.” Fed. R. Civ. P. 11(a).

Accordingly, Eclipse Home Design, LLC and Collateral Damage, LLC are **ORDERED** to retain a trial attorney as provided for in Southern District of Ohio Civil Rule 83.4 **within thirty days of the date of this Order**, and have counsel enter an appearance on their behalf. Failure to comply with this Order may result in an entry of default against them.

IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
UNITED STATES DISTRICT JUDGE